

2-8-02

A

02/05/02
10921 U.S. PTO

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 29342/38166

1017 U.S. PTO
10/068114
02/05/02

CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

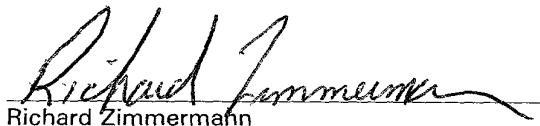
- ☒ continuation application.
☐ divisional application.

1. Particulars of Prior Application

Application Serial No: 09/633,431
Filed on: August 7, 2000
Title: TETRACYCLIC DERIVATIVES, PROCESS OF
PREPARATION AND USE
Art Unit: 1624
Examiner: T. Truong
Prior Docket No.: 27866/36634

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **February 5, 2002**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EK657815914US.


Richard Zimmermann

2. This request is filed by:

| | | | |
|--------------------------------|---|---|--|
| 1. Full Name of Inventor | Family Name Daugan | First Given Name Alain | Second Given Name Claude-Marie |
| Residence & Citizenship | City Les Ulis | State or Foreign Country France | Country of Citizenship France |
| Post Office Address | Post Office Address Laboratoire Glaxo Wellcome, S.A. Centre de Recherches Z.A. de Courtaboeuf | City Les Ulis | State & Zip Code/Country France/91940 |

| | | | |
|--------------------------------|---------------------|-----------------------------|--------------------------|
| 2. Full Name of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |

| | | | |
|--------------------------------|---------------------|-----------------------------|--------------------------|
| 3. Full Name of Inventor | Family Name | First Given Name | Second Given Name |
| Residence & Citizenship | City | State or Foreign Country | Country of Citizenship |
| Post Office Address | Post Office Address | City | State & Zip Code/Country |

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. Amendments

- ☐ Amend the specification by inserting before the first line the sentence:
--This is a ___ of U.S. application Serial No. __, filed __.--
- ☐ Cancel claims _____ in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. Copy of Prior Application

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. Priority

- ☒ Priority of application No. 940109.7, filed on January 21, 1994 in Great Britain is claimed under 35 USC 119.
 - ☒ The certified copy(ies) was(were) filed in prior U.S. application Serial No. 08/669,389.
 - ☐ The certified copy(ies) has(have) not been filed.

7. Assignment

- ☒ The prior application is assigned of record to ICOS Corporation, and has been recorded at Reel No. 8610, Frame No. 428.

8. Small Entity Status

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A small entity statement is(are) attached.

9. Application to Be Published

- ☐ Yes.
☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

10. Fee Calculation

| CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY) | | | | | | |
|---|-----------|-----------|--------------|----------|---------------------------|----------|
| | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
| | NO. FILED | NO. EXTRA | RATE | FEE | RATE | FEE |
| BASIC FEE | | | | \$370.00 | | \$740.00 |
| TOTAL | 3 -20 | = 0 | X 9 = | \$ | X 18 = | \$ |
| INDEP. | 2 - 3 | = 0 | X 42 = | \$ | X 84 = | \$ |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim | | | + 140 = | \$ | + 280 = | \$ |
| Filing Fee: | | | | \$ | OR | \$740.00 |

11. Method of Payment of Fees

- ☒ Attached is a check in the amount of: \$740.00
☐ Charge Deposit Account No. 13-2855 in the amount of: \$ _____
A copy of this Transmittal is enclosed.

12. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

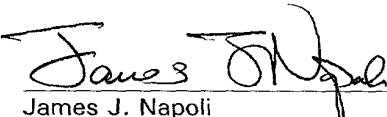
13. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
(312) 474-0448 (Telefacsimile)

By:


James J. Napoli
Reg. No. 32,361

February 5, 2002